

**REMARKS**

This submission is in response to the Final Office Action dated July 14, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 2-8 are currently pending.

Claims 2-8 stand rejected under 35 U.S.C. 112, second paragraph. Applicants have amended claim 4 based on the Examiner 's suggestion and to provide proper antecedent basis. As such, Applicants request withdrawal of this rejection.

Claims 2-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Jin et al. Applicants respectfully traverse this rejection for the following reasons.

Applicants respectfully traverse the Examiner's finding and conclusions concerning the cited reference. First, Applicants traverse the Examiner's finding that the components 10 and 20 in the Jin reference are spaced apart from each other. In reality, part 10 is a solid component, while part 20 is a hollow piston, where the rod 10 is inserted into the hollow component 20. Given this relationship between the parts, one cannot talk about a "distanced" arrangement in the way this is referred to in the Office Action by the Examiner. More specifically, and unlike the arrangement of the referenced patent, the members 302, 304 are spaced apart from each other in the axial direction.

The purpose of the device in the Jin reference (see Col. 3, starting on line 58) is that it “smoothly engages and disengages gears” with a “small force”. According to col. 5, starting on line 40, it is also emphasized that the cylinders are pneumatic cylinders that are actuated with compressed air. In the present application (page 1, paragraph 0006, a different objective is stated. The object of the present device is to prevent extreme peak pressures at the engagement of a gear stage (in particular during the synchronization of the gears). In comparison to the prior art reference, this risk is all the more dangerous because the shifting of the gears in the present device occurs hydraulically, and, as is well known, an oil pressure behaves as a “hard” or “rigid” actuation medium. This “hard” behavior of oil (in the sense of non-yielding, incompressible) in hydraulic processes has the effect that elements are actuated without any elasticity, and if those elements offer a likewise hard resistance to the actuation, there is no way in which they can yield to the pressure.

Applicants respectfully submit that the hydraulic control (as described in the context of Fig. 3) behaves as a hard or rigid “actuation”. This is the reason why the component 115 is equipped with the compliant link 300. As shown in Fig. 4, the compliant link is a purely mechanical component, meaning that pre-tensioned springs 320, 330 are arranged in the components 301, 304, respectively, and that the components are tied together through a connecting rod 312. The arrangement shown in Fig. 4 has neither a pneumatic nor a hydraulic pressure.

The prior art reference further has the problem that Fig. 3, which is critical to the Examiner’s findings is much too unclear and its function is not explained correctly in the description. It is therefore Applicants’ opinion that the lack of clarity of this figure casts doubt on its ability to be applied to the outstanding rejection since the precise teachings of the reference are somewhat cast in doubt due to the lack of a clear description of Fig. 3.

For at least this reason, Applicants respectfully submit one or more features are not disclosed in the cited reference and therefore, the rejection of independent claim 4 should be withdrawn.

Claims 2-3 and 5-8 should be allowed as depending from what should be an allowed independent claim 4.

At this time, allowance of claims 2-8 is earnestly solicited.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 15, 2003

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant